

FREDERICK COUNTY PLANNING COMMISSION
MEETING OF June 8, 2011
9:00 a.m.

Members Present: Robert White, Chairperson; John McClurkin, Vice-Chair; Richard Floyd, Secretary; Billy Shreve, Commissioner Liaison; Audrey Wolfe; Robert Lawrence and Catherine Forrence

Staff Present: Eric Soter, Community Development Division Director; Gary Hessong, Department of Permits and Inspections Director; Kathy Mitchell, Assistant County Attorney; Tolson DeSa, Principal Planner; Michael Wilkins, Environmental Principal Planner; Rick Brace, Principal Planner; Jim Gugel, Planning Manager; and Linda Williamson, Development Review Technician

1. Meeting Opened in Regular Session at 9:00am

Decision: Ms. Forrence made a motion to go into closed session 2nd Mr. Lawrence

Yea 6 Nay 0 Absent 1 (White)

2. Meeting Re-opened in Regular session at 10:30am

3. MINUTES:
May 11, 2011, DPDR

Decision: Ms. Forrence made a motion to approve the Minutes as corrected from the May 11, 2011 FcPc Meeting, 2nd Mr. Lawrence

Yea 6 Nay 0 Abstained 1(Shreve)

4. PLANNING COMMISSION COMMENTS:
N/A

5. AGENCY COMMENTS/AGENDA BRIEFING:
N/A

6. LOU AMENDMENT

- a) Linton PUD – Proposed 5th Amendment of the APFO Letter of Understanding (LOU). The applicant asks for a reconsideration of the timing of building permit issuance related to construction completion for multiple road improvement requirements. Located along both sides of MD 351, immediately north of Elmer Derr Road. Zoned: Planned Unit Development (PUD); Adamstown Planning Region; Tax Map 85/86 / Parcels 25/44; AP # 7828; Kathy Mitchell

Staff Findings/Recommendations:

Findings:

The Staff finds that the proposed language contained in the 5th Amendment is justified and brings the LOU into consistency with the current APFO and Guidelines related to road improvements and issuance of building permits.

Recommendations:

Staff recommends approval of the 5th Amendment of the LOU

Staff Presentation:

Kathy Mitchell, Assistant County Attorney

Applicant Presentation:

Mr. DiPasquale, Esquire, of Miles and Stockbridge represented the applicant and presented the proposal.

Public Comment:

N/A

Rebuttal:

N/A

Decision: Ms. Wolfe made motion for approval of the 5th amendment to the Linton PUD in accordance with the Staff's findings and recommendations, 2nd by Ms. Forrence.

Yea 7 Nay 0

7. MISCELLANEOUS REQUEST

- a) *William Henry Owens III and Lynn Marie Owens, Section 1, Lot 2 and Remainder* - Requesting a road adequacy modification in accordance with Section 1-16-12 (B) of the Subdivision Regulations to allow a one lot minor subdivision on a travel way that falls between 14 feet and 16 feet in width. Located on the East side of Repp Road, north of Molasses Road. Zoned: Agricultural (A); Walkersville Planning Region; Tax Map 43 / Parcel 37; AP# 11813; Mike Wilkins

Staff Findings/Recommendations:

Findings:

Based upon the discussions in this report, Staff finds that Repp Road does not meet the road adequacy requirements under the Frederick County Code section 1-16-12(B)(3)(1), as portions of the roadway fall below the 16-foot requirement. Per the Code, the FcPc has the authority to determine the adequacy of the 14-22 foot wide road.

Since the inadequate section of Repp Road is only 1,500 linear feet and the potential for additional development on Repp Road is extremely limited, Staff has no objection to conditionally approving this modification request.

Recommendations:

Staff recommends that the FcPc decide if the travel way is adequate to serve the 1 new minor subdivision lot.

If the FcPc determines the travel way is adequate, Staff recommends that the following items be added as conditions to the approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.
2. The Applicant shall add a note to the plat specifying that the road is adequate to serve this subdivision. The note shall also state the date of the Planning Commission approval.

Staff Presentation:

Michael Wilkins, Environmental Principal Planner

Applicant Presentation:

Mr. Brown (Andrew) of J. F. Brown, Inc. represented the applicant and presented the proposal.

Public Comment:

N/A

Rebuttal:

N/A

Decision: Mr. Lawrence made a motion for conditional approval of *William Henry Owens III and Lynn Marie Owens, Section 1, Lot 2 and Remainder* in accordance with the Staff's findings and recommendations, 2nd by Ms. Wolfe.

Yea 6 Nay 1(Floyd)

8. SITE PLAN

- a) *Mount Saint Mary's Solar Array* - The applicant is proposing to construct an unmanned solar array farm consisting of 220,000 solar panels, on a 135.84-acre tract. Located at the corner of College Ave and Old Frederick Road. Zoned: Agricultural (A); Thurmont Planning Region; Tax Map 8 / Parcel 48; AP# 11643; Tolson DeSa

Staff Findings/Recommendations:

Findings:

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met.

Staff notes that if the Planning Commission conditionally approves the site plan, the site plan shall be valid for a period of three (3) years from the date of Planning Commission approval.

Staff has no objection to conditional approval of the site plan.

Recommendations:

Should the Planning Commission conditionally approve this Site Plan SP # 84-22 (AP# 11643, APFO 11642 & FRO 11703) for the proposed Mt. Saint Mary's Solar Array, the motion for approval should include the following item:

1. Site plan approval for a period of three years from today's date.
2. Approval of the modifications to the following Zoning Ordinance requirements:
 - a. 1-19-6.120.B Loading Space Requirements
 - b. 1-19-6.220.H.2 Bicycle Parking Space Requirements
 - c. 1-19-6.220 Parking Space Requirements
 - d. 1-19-6.400.I Alternative Landscaping Plan Provision

Staff recommends that the following items be added as conditions of approval:

1. Address all agency comments as the plan proceeds through completion.
2. Forest plans must be approved prior to site plan signature, forest mitigation must be provided prior to issuance of grading or building permits.
3. Note the Modifications to the following Zoning Ordinance Sections on the site plan:
 - a. 1-19-6.120.B Loading Space Requirements
 - b. 1-19-6.220.H.2 Bicycle Parking Space Requirements
 - c. 1-19-6.220 Parking Space Requirements
 - d. 1-19-6.400.I Alternative Landscaping Plan Provision

Staff Presentation:

Tolson DeSa, Principal Planner

Applicant Presentation:

Mr. DiPasquale, Esquire of Miles and Stockbridge, Mr. Crissman of Daft McCune Walker Inc. and representatives of Mount Saint Mary's represented the applicant and presented the proposal. (See attached representatives)

Public Comment:

N/A

Rebuttal:

N/A

Decision: Ms. Forrence made a motion for conditional approval of Mount Saint Mary's Solar Array in accordance with the Staff's findings and recommendations,
2nd by Mr. Floyd

Yea 7 Nay 0

9. **SITE PLAN**

- a) Sheetz Convenience Store -This applicant is requesting site plan approval to construct a 5,686 square foot convenience store and gasoline dispensing pumps. The plan proposes to remove the existing used car facility located on the site. Located at the corner of MD RT 85 and Francis Scott Key Drive. Zoned: General Commercial (GC); Frederick Planning Region; Tax Map 77 / Parcel 322; AP# 11706; Tolson DeSa

Staff Findings/Recommendations:

Findings:

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met.

Staff notes that if the Planning Commission conditionally approves the site plan, the site plan shall be valid for a period of three (3) years from the date of Planning Commission approval.

Staff has no objection to conditional approval of the site plan.

Recommendations:

Should the Planning Commission conditionally approve this Site Plan SP # 02-20 (AP# 11706, APFO 11673 & FRO 11707) for the proposed Sheetz Convenience Store with gasoline pumping station, the motion for approval should include the following items:

1. Site plan approval for a period of three years from today's date.
2. Modifications for the following Ordinance Sections
 - e. §1-19-6.220.A Parking Space Requirements
 - f. §1-19-6.400.A Street Tree Requirements
 - g. §1-19-6.400.D.2 Parking Area Landscaping Requirements
 - d. §1-19-6.500.B.2 Lighting Height Requirements

Staff recommends that the following items be added as conditions of approval:

3. Address all agency comments as the plan proceeds through completion.
4. Note Modifications for the following Ordinance Sections on the site plan:
 - a. §1-19-6.220.A Parking Space Requirements
 - b. §1-19-6.400.A Street Tree Requirements

- c. §1-19-6.400.D.2 Parking Area Landscaping Requirements
 - d. §1-19-6.500.B.2 Lighting Height Requirements
5. Stormwater Management Concept and Development plan shall be approved prior to final stamp and signature of site plan.

Staff Presentation:

Tolson DeSa, Principal Planner

Mr. Soter, Director of CDD, spoke on the issue of existing and requested on-site signage included on the site plan and noted that staff will work with the applicant to resolve outstanding signage issues.

Applicant Presentation:

Mr. Weinberg, Esquire, Mr. Lillard of Fox & Associates, Inc. and representatives of Sheetz Convenience Store represented the applicant and presented the proposal.

Public Comment:

N/A

Rebuttal:

N/A

Decision: Ms. Forrence made a motion for conditional approval of *Sheetz Convenience Store* in accordance with the Staff's findings and recommendations and to work with staff on the additional issue of the sign, 2nd by Mr. Floyd

Yea 7 Nay 0

10. SITE PLAN

- a) *Beckley's Camping Center-* The applicant is proposing to construct a 40' X 60' sales building as well as additional parking areas for RV repair and storage. Located at the corner of US Rt. 15 and Angleberger Rd. Zoned: General Commercial (GC)/Agricultural (A);Thurmont Planning Region; Tax Map 448 / Parcel 40; AP# 11464; Tolson DeSa

Staff Findings/Recommendations:

Findings:

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met.

Staff notes that if the Planning Commission conditionally approves the site plan, the site plan shall be valid for a period of three (3) years from the date of Planning Commission approval.

Staff has no objection to conditional approval of the site plan.

Recommendations:

Should the Planning Commission conditionally approve this Site Plan SP # 98-33 (AP# 11464, APFO 11465 & FRO 11466) for the proposed Beckley's Camping Center Expansion, the motion for approval should include the following item:

1. Site plan approval for a period of three years from today's date.
2. APFO exemption approval

Staff recommends that the following items be added as conditions of approval:

3. Address all agency comments as the plan proceeds through completion.
4. FRO mitigation shall be provided prior to the issuance of a grading or building permit, whichever comes first.
5. SWM Concept and Development plan must be approved prior to final site plan signature.

Staff Presentation:

Tolson DeSa, Principal Planner

Applicant Presentation:

Mr. Brennan of B&R Design Group and the owner of Beckley's Camping Center represented the applicant and presented the proposal.

Public Comment:

N/A

Rebuttal:

N/A

Decision: Ms. Forrence made a motion for conditional approval of Beckley's Camping Center- in accordance with the Staff's findings and recommendations, 2nd by Ms. Wolfe

Yea 7 Nay 0

11. SITE PLAN

- a) Boyers Mill Road Cell Tower- The applicant proposes to construct a 141' foot monopole, with equipment shelter within a fenced compound on a 31.73-acre site located along Boyer's Mill Road. The applicant received special exception approval from the Board of Zoning Appeals (B-10-11) on 11/18/10. Located along Boyers Mill Road, north of Eaglehead Drive. Zoned: Agricultural (A); New Market Planning Region; Tax Map 69 / Parcel 153; AP# 11618; Rick Brace

Staff Findings/Recommendations:

Findings:

The Applicant is requesting approval of a Site Plan (AP # 11618) for a communications tower monopole 141' in height with a 6' extension for lightning rod and antennae extensions, and ground facilities.

Staff finds that the Site Plan application meets and/or will meet all applicable Zoning, Subdivision, APFO and FRO requirements once all Staff and Agency comments and conditions are met or mitigated. With certain conditions of approval added, the Staff offers no objection to approval.

1. Site Plan approval can be given for a three-year period from the date of FcPc approval.
2. This project is exempt from the APFO.
3. The Applicant must post an acceptable guarantee with the County on forms approved by the Zoning Administrator prior to permit release.

Recommendations:

Should the FcPc choose to approve this Site Plan application (AP # 11618), the Staff would recommend adding the following conditions to the approval:

Applicant shall:

1. Comply with Agency comments as this project moves through the development process.
2. Post an acceptable guarantee with the County on forms approved by the Zoning Administrator prior to permit release.
3. Provide annual update to the Zoning Administrator of emergency contact info for the tower owner and all carriers on tower.

Staff Presentation:

Rick Brace, Principal Planner

Applicant Presentation:

Mr. Steven R. Kinley Vice President, Director Wireless Services, ACO Property Advisors, Inc. represented the applicant and presented the proposal.

Public Comment:

N/A

Rebuttal:

N/A

Decision: Ms. Wolfe made a motion for conditional approval of Boyers Mill Road Cell Tower- in accordance with the Staff's findings and recommendations, 2nd by Mr. Shreve

Yea 5 Nay 0 Absent 2(Lawrence and Forrence)

12. 2010 ANNUAL PLANNING REPORT

- a) Staff will present the Annual Report for 2010, which highlights Planning and Development Review activities for 2010; Jim Gugel

Staff Presentation:

Jim Gugel, Planning Manager

Decision: Ms. Wolfe made a motion for approval of the 2010 ANNUAL PLANNING REPORT in accordance with the Staff's findings and recommendations, 2nd by Mr. McClurkin

Yea 5 Nay 0 Absent 2 (Lawrence and Forrence)

Meeting adjourned at 12:50 p.m.
Respectfully Submitted,



Robert White, Chairperson

Mount Saint
Mary's

PUBLIC SPEAKING SIGN-UP SHEET
PLEASE PRINT CLEARLY

Agenda Item _____

Date _____

#	NAME	ADDRESS Company Rep.	Speaking as Individual	Speaking for Organized Group
	RICK JUSTICE	CONSTELLATION ENERGY (APPLICANT)	<input type="checkbox"/>	<input type="checkbox"/>
	MARK CRISMAN	DAFT MCCUE & WALKER	<input type="checkbox"/>	<input type="checkbox"/>
	NATHAN BROCHSTEEN	FIRST SOLAR, INC.	<input type="checkbox"/>	<input type="checkbox"/>
	Rick Justice	CONSTELLATION Energy	<input type="checkbox"/>	<input type="checkbox"/>
	Tennile Rubin	Chesapeake Environmental management	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

6/8/11